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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 JON KUNKEL,

9 Plaintiff,

10 v.

11 KING COUNTY, *et al.*,

12 Defendants.

CASE NO. C08-1438-RSM-BAT

ORDER DISMISSING § 1983 ACTION

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14 The Court, having reviewed the Report and Recommendation of the Honorable Brian A.  
15 Tsuchida, United States Magistrate Judge, and the balance of the record, does hereby find and  
16 ORDER:

- 17 (1) The Court adopts the Report and Recommendation.  
18 (2) The complaint and this action are DISMISSED without prejudice for failure to state a  
19 claim upon which relief can be granted. *See* 28 U.S.C. § 1915A(b).  
20 (3) Plaintiff's application for leave to proceed *in forma pauperis* is DENIED as moot.  
21 (4) The Clerk is directed to send a copy of this Order to plaintiff, to counsel for  
22 defendants, and to Judge Tsuchida.

23 DATED this \_6\_ day of January 2009.

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25 RICARDO S. MARTINEZ  
26 UNITED STATES DISTRICT JUDGE

ORDER DISMISSING § 1983 ACTION